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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,315	02/08/2001	April Patricia Rasala	Rasala 3-21	4552

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EXAMINER

PAYNE, DAVID C

ART UNIT PAPER NUMBER

2638

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,315

Applicant(s)

RASALA ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-12, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 9, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 9, 13 and 14 is withdrawn in view of the newly discovered reference(s) to Bala et al. US 6,333,799 B1 (Bala). Rejections based on the newly cited reference(s) follow.
2. While Bala was cited in an earlier office action, a different embodiment was used as a teaching for obviousness in a 103(a) rejection. However, it appears that the embodiment in Figure 14 would render the claimed subject matter in claims 9, 13 and 14 as obvious as discussed below.

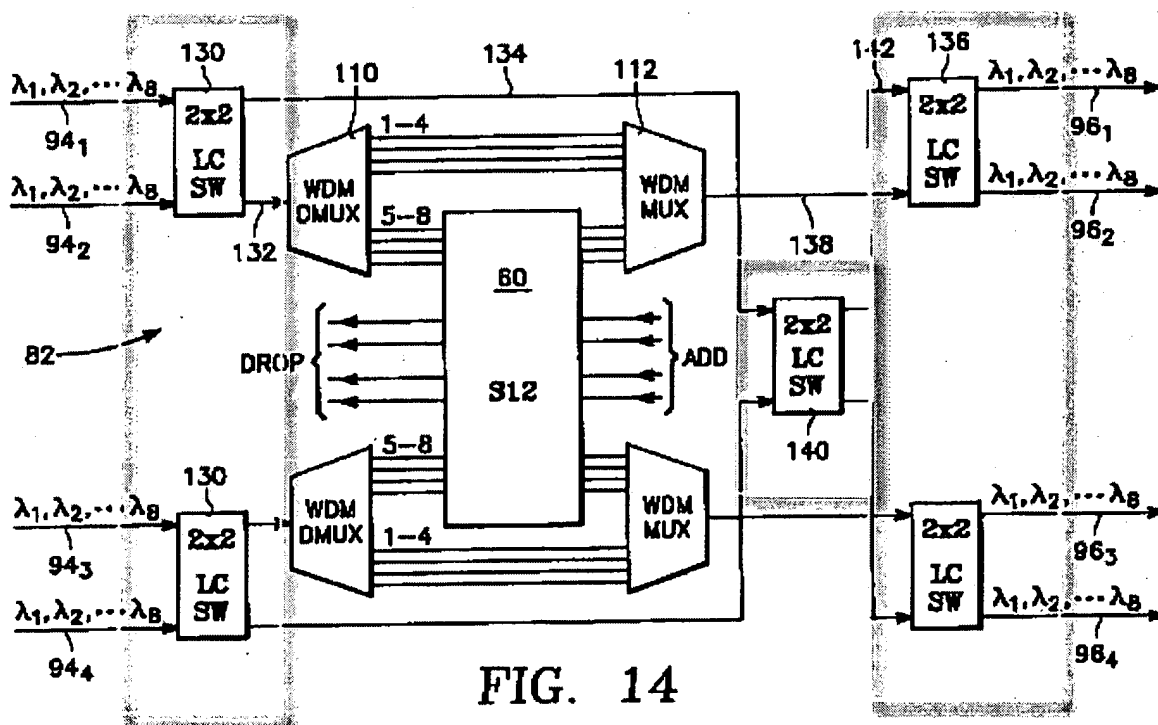
Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bala et al. US 6,333,799 B1 (Bala).

Re claims 9, 13 and 14, Bala disclosed



A first fabric (130) which receives k (2) input fibers at an input side of said first fabric, wherein at least one of said k input fibers is capable of carrying at least two signal having different wavelengths;

a second fabric (136) being adapted to output signals onto k output fibers at an output side of said second

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fabric, and wherein at least one of said k output fibers is capable of carrying at least two signals having different wavelengths;

wavelength interchangers (60 – S12), each wavelength interchanger having an input port and an output port, each wavelength interchanger being optically coupled at an input port thereof to an optical fiber that is optically coupled to an output port of the first fabric (130); each wavelength interchanger being optically coupled at an output port thereof to an optical fiber that is optically coupled to an input port of the second fabric (136); and a third fabric (140).

Bala illustrates that the third fabric (140) couples to the output side of the first fabric (130) and the input side of the second fabric (136) rather than having its inputs coupled to the inputs of the first fabric and outputs of the second fabric as claimed. However, it would have been obvious to one of ordinary skill in the art at the time of invention to couple the inputs of the third fabric to the inputs of the first fabric and outputs of the third fabric to the outputs of the second fabric. One is motivated as such since when either of the first and second fabric are in a bar state then the multi-wavelength signal passes straight through in effect coupling the outputs of the respective fabrics (first and second) to the inputs of the same fabric. Therefore, when the first and second fabrics are in a bar state, the inputs of the third fabric are indeed optically coupled to the inputs of the first fabric and the outputs of the third fabric are coupled to the outputs of the second fabric.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp



**David C. Payne
Patent Examiner
AU 2638**